UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
8th meeting
held on
Monday, 28 October 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. KITTIKHOUN (Lao People's Democratic Republic)

CONTENTS

AGENDA ITEM 88: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued)*

AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued)*

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)*

QUESTION OF WESTERN SAHARA

QUESTION OF GIBRALTAR

QUESTION OF NEW CALEDONIA

QUESTION OF TOKELAU

ORGANIZATION OF WORK

---

* Items which the Committee has decided to consider together.

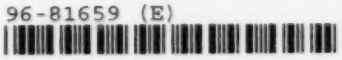
This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.4/51/SR.8
28 July 1997

ORIGINAL: ENGLISH

96-81659 (E)



The meeting was called to order at 3.35 p.m.

AGENDA ITEM 88: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/51/23 (Part IV, chap. VIII, para. 8) and A/51/316 and Add.1)

AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) A/C.4/51/L.6 and A/51/373)

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items): QUESTION OF WESTERN SAHARA, QUESTION OF GIBRALTAR, QUESTION OF NEW CALEDONIA AND QUESTION OF TOKELAU (A/C.4/51/L.4 and L.5; A/51/23 (Part V, chap. IX, para. 32, Part VI, chap. X and Part VII, chap. X and chap. XI, para. 11) and A/51/428; A/AC.109/2041 and Corr.1, 2043, 2044 and Add.1, 2045-2046, 2047 and Add.1, 2050-2053, 2054 and Add.1, 2055-2057 and 2059; S/1996/43 and Corr.1, 343 and 674)

Draft resolution contained in document A/51/23 (Part IV), chapter VIII, paragraph 8, submitted under agenda item 88.

1. The CHAIRMAN informed the meeting that a recorded vote on the draft resolution had been requested.

2. A recorded vote was taken.

In favour: Algeria, Angola, Antigua-Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua and New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: None.

Abstaining: France, Marshall Islands, United Kingdom of Great Britain and Northern Ireland, United States of America.

3. The draft resolution contained in document A/51/23 (Part IV), chapter VIII, paragraph 8, was adopted by 130 votes to none, with 4 abstentions.

4. Mr. ARKWRIGHT (United Kingdom) explained that his delegation had abstained because it did not agree with the resolution's operative paragraph 2.

Draft resolution A/C.4/51/L.6 submitted under agenda item 91

5. The CHAIRMAN informed the members that Jamaica, Australia and Sweden had also become co-sponsors of the draft resolution.

6. Draft resolution A/C.4/51/L.6 was adopted unanimously.

Draft resolution A/C.4/51/L.4 submitted under agenda item 19 on the question of Western Sahara

7. The CHAIRMAN informed the members that Ecuador, Paraguay, Trinidad and Tobago, Botswana, Haiti and Sierra Leone had also become co-sponsors of the draft resolution.

8. Mr. KHAN (Secretary of the Committee) said that there would be no financial implications for the regular budget should the General Assembly adopt the draft resolution. Similarly, the adoption of the draft resolutions on the other Non-Self-Governing Territories contained in document A/51/23 (Part V), chapter IX, paragraph 32, (Part VI), chapter X, paragraph 17 and (Part VII), chapter XI, paragraph 11 would not entail any additional provisions under the programme budget.

9. Mr. BANDORA (United Republic of Tanzania), introducing the draft resolution on Western Sahara contained in document A/C.4/51/L.4, said that the co-sponsors wished to offer two proposed amendments to the draft text. Preambular paragraph 7 would read "Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General, and stressing ...", the rest remaining unchanged. Operative paragraphs 7 and 8 would be merged by the addition of the word "and" at the end of the existing paragraph 7 and rewording the end of the existing paragraph 8 to read "... to start, as soon as possible, these direct talks". The resulting consolidated paragraph would become the new operative paragraph 7, and the remaining paragraph should be renumbered accordingly.

10. The draft resolution was comprehensive in nature, reflecting the wide variety of views and concerns of its numerous co-sponsors. It reaffirmed the principle of the inalienable right of all peoples to self-determination and independence, reiterated the validity of the settlement plan as set forth in Security Council resolutions 658 (1990) and 690 (1991), including the holding of a free, fair and impartial referendum, emphasized the international community's responsibility for preserving the peace framework, deplored the existing

impasse, and urged the Kingdom of Morocco and the Frente popular para la liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) to resume direct talks. It was to be hoped that the resolution would contribute to the relaunching of the peace process in Western Sahara.

11. Mr. DE ALMEIDA (Angola) expressed support for the draft resolution. His Government was concerned with the absence of progress in the matter of Western Sahara and supported the appeal issued by the Secretary-General's Special Representative for cooperation between the parties.

12. The CHAIRMAN said he took it that the Committee felt able to adopt, without a vote, the draft resolution in document A/C.4/51/L.4, as orally revised.

13. It was so decided.

14. Mr. SNOUSSI (Morocco) expressed satisfaction at the Committee's unanimous decision, which had avoided confrontation and demonstrated the members' willingness to resolve their differences and their attachment to the fundamental principles of the Charter of the United Nations. However, Morocco could not consent to be bound by the provisions of the resolution in so far as they treated the issue as though it were a matter of decolonization. Western Sahara had been decolonized in due form in 1975, when the former colonial Power, Spain, had retroceded it to Morocco. Since then it had been an integral part of Morocco, as a free and fair referendum would undoubtedly confirm in due course. Morocco had consistently cooperated with the United Nations for the holding of such a referendum under the settlement plan. Unfortunately, the same could not be said of the other side, which had withdrawn from the identification operation, thereby exercising what amounted to a veto over the peace process. Neither the settlement plan nor any Security Council resolutions gave the other side any authority to take such unilateral action. Only the Security Council had jurisdiction with respect to the implementation of the settlement plan and the designation of the members of the Identification Commission whose task was to determine who qualified as Saharan and would thus be entitled to vote in the referendum. The Security Council, as the originator of the rules of the game, would be well advised to rein in those who were attempting unjustifiably to change those rules while play was in progress. Among other things, the suffering of a great many Saharans would thereby be alleviated. The other side should be held to its agreed commitments; the way forward was through the implementation of the settlement plan.

15. Mr. HOLOHAN (Ireland) speaking on behalf of the European Union, the Associated Countries of Bulgaria, Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and Iceland and Norway, said that they welcomed the adoption of the draft resolution by consensus. He paid tribute to the understanding and spirit of compromise shown by the members of the Committee in discussing the draft resolution.

16. He expressed concern that the registration process for the referendum had come to a complete halt over the preceding 12 months and continued to support the holding of a free, fair and impartial referendum for the self-determination of Western Sahara in accordance with the settlement plan.

17. The Security Council had reminded the parties of the need to achieve significant progress before 30 November 1996, when it would have to consider the extension of the MINURSO mandate. Both parties should explore ways of reinvigorating the peace process, and he called upon them to have a vision of the post-referendum period, as recommended by the Security Council. They should also hold negotiations in order to achieve an agreed settlement while at the same time maintaining the ceasefire. He encouraged the parties to engage in confidence-building measures such as the exchange of prisoners. The European Union would continue to offer full support to the Secretary-General and his acting Special Representative in achieving a just and equitable solution to that dispute, which had already lasted far too long.

Draft resolution A/C.4/51/L.5, submitted under agenda item 19 on the question of Gibraltar

18. The CHAIRMAN stated that he took it that the Committee wished to adopt the draft resolution without a vote.

19. It was so decided.

Draft resolution contained in document A/51/23 (Part V), chapter IX, paragraph 32, submitted under agenda item 19 on the question of New Caledonia

20. Mr. LADSOUS (France) said that he wished to inform the Committee of the situation in New Caledonia since the signing of the Matignon Accords, while at the same time reiterating his delegation's reservations about the competence of the Committee in matters relating to New Caledonia.

21. During the preceding eight years, there had been great changes in the political, economic and social situation in New Caledonia. All the parties concerned had shown goodwill in working towards peace and a better future in the spirit of the 1988 Matignon Accords, in accordance with the terms of which progress had been made towards self-determination, decentralization and redressing economic and social imbalances with a view to preparing for the 1998 referendum. The three provinces had their own governing bodies and wide powers, his Government was committed to development and to levelling inequalities in society, and regular yearly consultations were held by the Accords follow-up committee to discuss progress made and priorities for the coming year.

22. The results had been encouraging. On an institutional level, the new organization provided for by the Accords was in place, representatives from all provinces occupied positions of responsibility and all three provinces were exercising their full rights. In the area of the economy, the Government of France was working to stimulate the economy and provide jobs and had signed development contracts with all the provinces. Wide-ranging consultations were continuing and great progress had been made in developing the infrastructure of the island - roads, water, electricity, telephones - and the nickel mining industry. A development agency had been formed and included representatives from the Government of France, the three provinces and the Territory as a whole. Great efforts had been made in the area of education, especially at the secondary and professional levels where there were growing numbers of graduates.

An agency for the development of Kanak culture had also been created to promote local culture.

23. Since the signing of the Matignon Accords, New Caledonia's relationship with its neighbours had been transformed and contacts at all levels had increased. The Territory and the provinces had signed a cooperation agreement with Vanuatu and the Territory was becoming a full partner in the region. The Territory would continue to play an increasingly important role in the South Pacific region, and visits from regional delegations were increasing, which was an encouraging sign of support for the Matignon Accords.

24. His Government was determined to bring prosperity to New Caledonia so that its people could exercise their right to self-determination in the best conditions possible. The dialogue with the signatories to the Matignon Accords would be broadened to include all political, social and economic actors in the Territory.

25. He expressed satisfaction that the draft resolution took into account the positive changes in the Territory and the dialogue occurring therein. Once again, his delegation would not object to the draft and would not request a recorded vote. He stressed however that it was the opinion of his delegation that Article 73 of the Charter did not encompass New Caledonia nor any other of his Government's overseas Territories or departments. It was his opinion that only the administering Power had the right to decide which Territories could be considered as non-autonomous, and no resolution of the General Assembly could modify the Charter in that area or give the Assembly any jurisdiction. His delegation therefore remained of the opinion that the question of New Caledonia was a question of domestic jurisdiction as set out in Article 2, paragraph 7 of the Charter.

26. The CHAIRMAN said he took it that the Committee wished to adopt the draft resolution without a vote.

27. It was so decided.

Draft resolution contained in document A/51/23, (Part VII), chapter XI, paragraph 11, submitted under agenda item 19 on the question of Tokelau

28. The CHAIRMAN said he took it that the Committee wished to adopt the draft resolution without a vote.

29. It was so decided.

30. Mr. POWLES (New Zealand) expressed satisfaction at the result of the vote, which would be conveyed to the people of Tokelau forthwith. He thanked the Committee for its expression of confidence in Tokelau's continued progress towards self-determination. He also expressed appreciation for the Committee's acknowledgement of the cooperation between his Government and the people of Tokelau and repeated their commitment to the decolonization of Tokelau and its social and economic development.

ORGANIZATION OF WORK

31. The CHAIRMAN said that the Permanent Observer Mission of Palestine, supported by the United Nations Relief and Works Agency Liaison Office in New York, had requested that consideration of item 84 (United Nations Relief and Works Agency for Palestine Refugees in the Near East) be deferred from 30 October to the week of 22 to 27 November during consideration of item 85 (Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories). That would give delegations the time to study the many documents.

32. The CHAIRMAN said he took it that the Committee had no objection to deferring consideration of item 84.

33. It was so decided.

34. The CHAIRMAN informed the Committee that a number of delegations had requested that he extend the deadline for the submission of draft proposals on item 19 (Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples), in particular amendments relating to the recommendations of the Special Committee, due to informal ongoing consultations. He took it that the Committee had no objection to changing the deadline to Friday, 8 November, at 6 p.m.

35. It was so decided.

36. The CHAIRMAN drew members' attention to document A/C.5/51/10 containing the views expressed by the delegations of Argentina, Brazil, United Kingdom, United States and Papua New Guinea on behalf of the members of the Special Committee concerning programmes 2 (Peacekeeping operations), 3 (Peaceful uses of outer space), 23 (Public information), and also on decolonization of the proposed medium-term plan for the period 1998-2001. He had transmitted to the Chairman of the Fifth Committee the proposal made by Papua New Guinea on behalf of the Committee on Decolonization, for inclusion of an additional subprogramme as 1.8 in Programme 1 of the medium-term plan for the period 1998-2001. Any delegation wishing to take part in that discussion would be able to do so during its consideration in the Fifth Committee.

The meeting rose at 4.45 p.m.